

AMENDED IN SENATE AUGUST 15, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2685

Introduced by Assembly Member Cogdill

February 24, 2006

An act to amend Section 13007 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2685, as amended, Cogdill. Sport fishing: license revenues: reports.

Existing law specifies that all moneys collected under the provisions of the Fish and Game Code are deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law provides that, of the moneys collected from fees for lifetime sportsman's licenses, lifetime hunting licenses, and lifetime sport fishing licenses, 33 $\frac{1}{3}$ % of the fees derived from the issuance of all sport fishing licenses, with a specified exception, is to be deposited into the Hatchery and Inland Fisheries Fund to be used, upon appropriation, to support programs related to the management, maintenance, and capital improvement of fish hatcheries, the Heritage and Wild Trout Program, and other eligible activities. Existing law requires the Department of Fish and Game, by July 1, 2008, and biennially thereafter, to report to the Legislature on the implementation of those provisions relating to the revenue generated by sport fishing license fees.

This bill would instead require the department to report, by July 1, 2008, and annually thereafter, on the provisions relating to the revenue generated by sport fishing license fees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13007 of the Fish and Game Code is
2 amended to read:
3 13007. (a) Notwithstanding Section 13001 and paragraph (1)
4 of subdivision (a) of Section 13005, commencing July 1, 2006,
5 33 ⅓ percent of all sport fishing license fees, except license fees
6 collected pursuant to Section 7149.8 collected pursuant to Article
7 3 (commencing with Section 7145) of Chapter 1 of Part 2 of
8 Division 6 shall be deposited into the Hatchery and Inland
9 Fisheries Fund, which is hereby established in the State Treasury.
10 Moneys in the fund may be expended, upon appropriation by the
11 Legislature, to support programs of the Department of Fish and
12 Game related to the management, maintenance, and capital
13 improvement of California's fish hatcheries, the Heritage and
14 Wild Trout Program, and enforcement activities related thereto,
15 and to support other activities eligible to be funded from revenue
16 generated by sport fishing license fees.
17 (b) The sport fishing license fees collected and subject to
18 appropriation pursuant to subdivision (a) shall be used for the
19 following purposes:
20 (1) For the department's attainment of the following
21 production goals for state hatcheries, based on the sales of the
22 following types of sport fishing licenses: resident; lifetime;
23 nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced
24 fee.
25 (A) By July 1, 2007, a minimum of 2.25 pounds of released
26 trout per sport fishing license sold in 2006, 1.75 pounds of which
27 must be of catchable size or larger.
28 (B) By July 1, 2008, a minimum of 2.5 pounds of released
29 trout per sport fishing license sold in 2007, 2.0 pounds of which
30 must be of catchable size or larger.
31 (C) By July 1, 2009, and thereafter, a minimum of 2.75
32 pounds of released trout per sport fishing license sold in 2008,
33 2.25 pounds of which must be of catchable size or larger.

1 (D) The department shall attain these goals in compliance with
2 Fish and Game Commission trout policies concerning
3 catchable-sized trout stocking.

4 (2) To the Heritage and Wild Trout Program, two million
5 dollars (\$2,000,000), which shall be used for permanent positions
6 and seasonal aides in each region of the state as necessary, and
7 other activities necessary to the program.

8 (A) The funds allocated pursuant to this paragraph shall be
9 used to fund seven new positions for the Heritage and Wild Trout
10 Program.

11 (B) In addition to the seven new positions specified in
12 subparagraph (A), the department may hire seasonal aides in
13 each region of the state to assist with the operations of the
14 Heritage and Wild Trout Program.

15 (3) The department shall, by July 1, 2011, ensure that 25
16 percent of the fish produced by state fish hatcheries are used for
17 the purpose of initiating and managing the restoration of
18 naturally indigenous stocks of trout to their original California
19 source watersheds. This paragraph shall not be construed to
20 prohibit the department from using surplus fish in waters outside
21 of their original California source watersheds. All trout restored
22 pursuant to this paragraph shall be native California trout, as
23 defined in Section 7261. The department shall attain the
24 25-percent restoration goal of this paragraph according to the
25 following schedule:

26 (A) By July 1, 2009, 15 percent and at least four species, not
27 including the coastal rainbow trout/steelhead.

28 (B) By July 1, 2010, 20 percent and at least four species, not
29 including the coastal rainbow trout/steelhead.

30 (C) By July 1, 2011, and thereafter, 25 percent and at least five
31 species, not including the coastal rainbow trout/steelhead.

32 (4) The department may hire additional staff for state fish
33 hatcheries, in order to comply with the requirements of this
34 subdivision.

35 (c) The department may allocate any funds under this section,
36 not necessary to maintain the minimums specified in paragraphs
37 (1) and (3) of subdivision (b), and after the expenditure in
38 paragraph (2) of subdivision (b), to the Fish and Game
39 Preservation Fund.

(d) The department may utilize federal funds to meet the funding formula specified in subdivision (a) if those funds are otherwise legally available for this purpose.

(e) A portion of the moneys subject to appropriation pursuant to subdivision (a) may be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks, consistent with Theme 1 in the executive summary of the department's Strategic Plan for Trout Management, published November 2003.

(f) The department, by July 1, 2008, and ~~biennially~~ *annually* thereafter, shall report back to the fiscal and policy committees in the Legislature on the implementation of these provisions.

~~SECTION 1. Section 13007 of the Fish and Game Code is amended to read:~~

~~13007. (a) Notwithstanding Section 13001 and paragraph (1) of subdivision (a) of Section 13005, commencing July 1, 2006, 33 1/3 percent of all sport fishing license fees, except license fees collected pursuant to Section 7149.8 collected pursuant to Article 3 (commencing with Section 7145) of Chapter 1 of Part 2 of Division 6 shall be deposited into the Hatchery and Inland Fisheries Fund, which is hereby established in the State Treasury. Moneys in the fund may be expended, upon appropriation by the Legislature, to support programs of the Department of Fish and Game related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.~~

~~(b) The sport fishing license fees collected and subject to appropriation pursuant to subdivision (a) shall be used for the following purposes:~~

~~(1) For the department's attainment of the following production goals for state hatcheries, based on the sales of the following types of sport fishing licenses: resident; lifetime; nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced fee.~~

~~(A) By July 1, 2007, a minimum of 2.25 pounds of released trout per sport fishing license sold in 2006, 1.75 pounds of which must be of catchable size or larger.~~

1 ~~(B) By July 1, 2008, a minimum of 2.5 pounds of released~~
2 ~~trout per sport fishing license sold in 2007, 2.0 pounds of which~~
3 ~~must be of catchable size or larger.~~

4 ~~(C) By July 1, 2009, and thereafter, a minimum of 2.75~~
5 ~~pounds of released trout per sport fishing license sold in 2008,~~
6 ~~2.25 pounds of which must be of catchable size or larger.~~

7 ~~(D) The department shall attain these goals in compliance with~~
8 ~~Fish and Game Commission trout policies concerning~~
9 ~~catchable-sized trout stocking.~~

10 ~~(2) To the Heritage and Wild Trout Program, two million~~
11 ~~dollars (\$2,000,000), which shall be used for permanent positions~~
12 ~~and seasonal aides in each region of the state as necessary, and~~
13 ~~other activities necessary to the program.~~

14 ~~(A) The funds allocated pursuant to this paragraph shall be~~
15 ~~used to fund seven new positions for the Heritage and Wild Trout~~
16 ~~Program.~~

17 ~~(B) In addition to the seven new positions specified in~~
18 ~~subparagraph (A), the department may hire seasonal aides in~~
19 ~~each region of the state to assist with the operations of the~~
20 ~~Heritage and Wild Trout Program.~~

21 ~~(3) The department shall, by July 1, 2011, ensure that 25~~
22 ~~percent of the fish produced by state fish hatcheries are used for~~
23 ~~the purpose of initiating and managing the restoration of~~
24 ~~naturally indigenous stocks of trout to their original California~~
25 ~~source watersheds. This paragraph shall not be construed to~~
26 ~~prohibit the department from using surplus fish in waters outside~~
27 ~~of their original California source watersheds. All trout restored~~
28 ~~pursuant to this paragraph shall be native California trout, as~~
29 ~~defined in Section 7261. The department shall attain the 25~~
30 ~~percent restoration goal of this paragraph according to the~~
31 ~~following schedule:~~

32 ~~(A) By July 1, 2009, 15 percent and at least 4 species, not~~
33 ~~including the coastal rainbow trout/steelhead.~~

34 ~~(B) By July 1, 2010, 20 percent and at least 4 species, not~~
35 ~~including the coastal rainbow trout/steelhead.~~

36 ~~(C) By July 1, 2011, and thereafter, 25 percent and at least 5~~
37 ~~species, not including the coastal rainbow trout/steelhead.~~

38 ~~(4) The department may hire additional staff for state fish~~
39 ~~hatcheries, in order to comply with the requirements of this~~
40 ~~subdivision.~~

1 ~~(e) The department may allocate any funds under this section,~~
2 ~~not necessary to maintain the minimums specified in~~
3 ~~subparagraphs (1) and (3) of subdivision (b), and after the~~
4 ~~expenditure in subparagraph (2) of subdivision (b), to the Fish~~
5 ~~and Game Preservation Fund. The department may utilize federal~~
6 ~~funds to meet the minimums specified in this subdivision.~~

7 ~~(d) A portion of the moneys subject to appropriation pursuant~~
8 ~~to subdivision (a) may be used for the purpose of obtaining~~
9 ~~scientifically valid genetic determinations of California native~~
10 ~~trout stocks, consistent with Theme 1 in the executive summary~~
11 ~~of the department's Strategic Plan for Trout Management,~~
12 ~~published November 2003.~~

13 ~~(e) The department, by July 1, 2008, and annually thereafter,~~
14 ~~shall report back to the fiscal and policy committees in the~~
15 ~~Legislature on the implementation of these provisions.~~